

***United States Court of Appeals
for the Second Circuit***



APPENDIX

75-4158

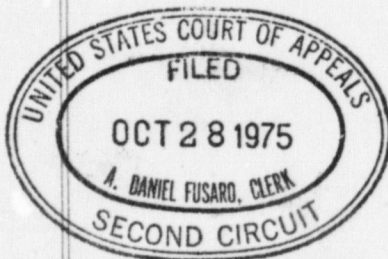
UNITED STATES COURT OF APPEALS

SECOND CIRCUIT

HERNAN HERRERA-LETELIER and :
ELBA MARTINEZ DE HERRERA, : CIVIL ACTION NO. 75-4158
: Petitioners, :
: vs. :
: IMMIGRATION AND NATURALIZATION : OCTOBER 18, 1975
SERVICE :

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UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File Nos.: A19 363 474 - Hartford, Connecticut District
A19 363 475

FEB 7 1974

In the Matter of)
)
 HERNAN RAUL HERRERA-LETELIER)
 and wife)
 ELBA G. MARTINEZ DE HERRERA)
)
 - Respondents -)

IN DEPORTATION PROCEEDINGS

CHARGE (as to each): I & N Act Sec. 241(a)(2)(8) USC 1251(a)(2)
nonimmigrant visitor - remained longer.

APPLICATION (by each): Voluntary departure.
Temporary withholding of deportation to
Chile, I&N Act Sec. 243(h) (8 USC 1253(h)).

IN BEHALF OF RESPONDENTS:

IN BEHALF OF SERVICE:

Stewart J. Stowell, Esq.
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Ralph J. Smith
Trial Attorney

ORAL DECISION OF THE IMMIGRATION JUDGE

This record relates to a 40 year old married male alien and his wife, each of whom is a native and citizen of Chile. The male respondent was admitted into the United States as a nonimmigrant visitor for pleasure on or about June 5, 1970, and was authorized to remain in that status for a period of less than two months, until August 1, 1970. He has remained thereafter without authority.

The female respondent was admitted into the United States as a nonimmigrant visitor for pleasure on or about April 10, 1969, and was authorized to remain in that status for a period of one year until

April 10, 1970. She has remained beyond April 10, 1970 without authority of the United States Immigration and Naturalization Service.

Each of the respondents admitted that all of the factual allegations in the Order to Show Cause are true, and that he is deportable as charged. Each is found to be deportable on the charge contained in the relating Order to Show Cause based on his own admissions.

The respondents applied for the privilege of voluntary departure from the United States without expense to the government in lieu of deportation. Each testified that he has never been arrested, that he has never been a member of a subversive organization, that they have funds with which to affect their departure without cost to the government, and that they are willing to depart within the time and under the conditions set for their departure. Each of the respondents is statutorily eligible for the privilege of voluntary departure and each will be granted that privilege as a matter of discretion.

Neither respondent specified a country to which he chose to be deported in the event of his deportation. Each was informed that Chile, the country of their birth and nationality will be named as the country of deportation if an order for their deportation is entered. Each applied for temporary withholding of deportation to Chile under the provisions of Section 243(h) of the Immigration and Nationality Act as amended.

The application of the respondents for temporary withholding of deportation to Chile was submitted on April 20, 1973. On its face, it does not state a basis for the grant of withholding of deportation under

Section 243(h) of the Act. The application refers to general conditions in Chile. It does not state any specific reasons why either of the respondents would be singled out as an individual for persecution if they had returned to Chile, even under the Allende government. A letter in the Spanish language is attached and excerpts therefrom were translated. The refer to general conditions and communist influence in Chile. An affidavit of a person, who has recently visited in Chile, is also attached, and it refers to general conditions in Chile. The male respondent's affidavit is also attached and refers to schooling for children, attendance at propaganda films, and inability to leave Chile without large payments to officials. It states the situation is bad for active offices and leaders of the Christian Democratic Party, that he procured his information from letters and from Chilean newspapers and magazine articles. The entire application taken at its face value does not state a basis for temporary withholding of deportation under Section 243(h).

As is conceded by all parties, the Allende government was ousted in Chile last fall and is no longer a viable force. In so conceding, Counsel stated that the new government is even more repressive than was the Allende government; and that, although the 243(h) application is based on fear of persecution under the Allende government, the respondents wish to have time to inquire further into the activities of the present government which is a military junta and repressive.

The male respondent was asked why he would be persecuted under the new government in Chile. He stated he would be persecuted because he had

belonged to the Christian Democratic Party, a fact also stated in his application for withholding of deportation while the Allende government was in power. He stated that the Christian Democratic Party is no longer recognized by law in Chile, that there are only two newspapers being published and both belong to the government, that there is no freedom, that there are no Constitutional guarantees, that the law now is whatever the military government says it is, and that communist guerillas are still active.

The respondents' motion for additional time to look into the activities of the present government, and as to why they would be persecuted under that government was denied. The testimony the male respondent gave as to why he would be persecuted under the new government in Chile taken at its full face value does not state a basis for withholding of deportation to Chile. He made not one single claim that he, as an individual, would be singled out by the government for persecution.

The respondent's application for temporary withholding of deportation is an obvious endeavor to delay their departure from the United States. Neither the prior application submitted on April 20, 1973, nor the male respondent's testimony today as to why he would be persecuted by the new government contains any satisfactory basis for a grant of temporary withholding of deportation under Section 243(h).

The female respondent came to the United States in April 1969. The male respondent arrived the following year, in June 1970. He has stated

that he endeavored to obtain a labor certification from the Department of Labor before he came to the United States, "So that I could come to the United States for lawful permanent residence, and I believe it was approved." He stated that he then went to Panama and waited in Panama for two months, "But nothing transpired so I went to the United States." He conceded that, when he entered the United States, he entered with the intention of remaining. He had endeavored to obtain a labor certification; he did not obtain it, and he came to the United States on a temporary visitor's visa, but with the intention of remaining.

The male respondent sold his home in Chile before he departed, and he purchased a home in New Jersey when he arrived in the United States. He stated, "I have not resided at this home because I was waiting to get permanent residence in the United States." He has also stated that, if he returned to Chile, he would not be able to get his job back because the government was in control of communists; and that, if he returned to Chile, "I would not be able to support my family because I am positive in my mind that I would not be able to get employment." (Exhibit 4).

The respondents' application for temporary withholding of deportation to Chile under Section 243(h) of the Act as filed on April 20, 1973 did not establish a satisfactory basis for a grant of temporary withholding of deportation, even under the Allende government. The male respondent conceded that now that the Allende government is no longer in power that that application is moot. The male respondent's statements as to why he would be persecuted under the present government contain no basis for a grant of

temporary withholding of deportation under Section 243(h) of the Act. The application of both respondents for temporary withholding of deportation to Chile will be denied.

The District Director of the Immigration and Naturalization Service communicated with the Office of Refugee and Migration Affairs with reference to the application of these respondents for temporary withholding of deportation. That individual replied on November 19, 1973 that the application was based on the activities of the Allende government; and that, since that government is no longer in power, there is no basis for the grant of the application. (Exhibit 5). This document is merely confirmatory of what the record clearly shows, that there is no basis for a grant of temporary withholding of deportation under Section 243(h) of the Act in this case.

For the purpose of this decision, the allegations of fact contained in each Order to Show Cause are adopted as findings of fact as to the respondent to whom it relates; and the charge as to deportability contained in each Order to Show Cause is adopted as a conclusion of law as to the respondent to whom it relates.

ORDER: IT IS ORDERED that in lieu of an order of deportation each of the respondents be granted voluntary departure without expense to the government on or before March 7, 1974, or any extension beyond that date as may be granted by the District Director and under such conditions as he shall direct.

IT IS FURTHER ORDERED that if either or both of the respondents fail to

depart voluntarily when and as required, the privilege of voluntary departure shall be withdrawn as to each such respondent without further notice or proceedings and the following order shall become immediately effective as to each: the respondent shall be deported from the United States to Chile on the charge contained in the Order to Show Cause. IT IS FURTHER ORDERED that the application of each of the respondents for temporary withholding of deportation to Chile under the provisions of Section 243(h) of the Immigration and Nationality Act, as amended, be denied.

E.C.C.
EUGENE C. CASSIDY
IMMIGRATION JUDGE



United States Department of Justice

Board of Immigration Appeals

Washington, D.C. 20530

Files: A19 368 474 - Hartford
A19 368 475

FEB 3 - 1975

In re: HERNAN RAUL HERRERA-LETELIER
ELBA G. MARTINEZ DE HERRERA

IN DEPORTATION PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENTS: Stewart J. Stowell, Esquire
27 Dartmouth Street
Boston, Massachusetts 02116

CHARGES:

Order: Section 241(a)(2), I&N Act (8 U.S.C.
1251(a)(2)) - Nonimmigrant
visitors - remained longer
than permitted

APPLICATION: Withholding of deportation under section
243(h) of the Immigration and Nationality
Act (both respondents)

This is an appeal from an order of an immigration judge, dated February 5, 1974, which finds the respondents deportable as charged, denies their applications for withholding of deportation under section 243(h) of the Immigration and Nationality Act, and which grants them the privilege of voluntary departure. The appeal will be dismissed.

The respondents are husband and wife. They are natives and citizens of Chile. The male respondent was admitted into the United States as a nonimmigrant

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visitor on June 5, 1970, and was authorized to remain in that status until August 10, 1970. He has remained thereafter without authority. The female respondent was admitted into the United States as a nonimmigrant visitor on April 10, 1969, and authorized to remain until April 10, 1970. She has remained beyond that date without permission of the Immigration and Naturalization Service. The allegations contained in the Orders to Show Cause were admitted and deportability was conceded. Our review of the record satisfies us that deportability has been established by evidence which is clear, convincing and unequivocal.

On appeal the respondents allege that the present government of Chile, headed by Augusto Pinochett, is even more repressive than the government of Salvador Allende which it deposed. Counsel adds that although the respondents' section 243(h) applications are based on fear of persecution under the Allende government, the respondents wish to have time to inquire further into the activities of the present government which is a military junta and repressive.

In an official communication to the Service dated November 19, 1973, the United States Department of State advised that the respondents' claim to asylum was considered and found to have no validity, noting that the respondents linked their claim to the existence of the Allende government. The State Department advisory concluded as follows:

As the Allende Government has ceased to exist, the basis for any claims to asylum related thereto has been removed. Neither fear of economic hardship nor fear of personal safety due to unsettled conditions constitutes a fear of persecution within the meaning of the Convention Relating to the Status of Refugees.

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The respondents have presented nothing to support a 243(h) claim against the present Chilean regime.

After evaluating the record, including the report from the State Department previously mentioned, we are satisfied that the respondents have failed to show a well-founded fear that their lives or freedom will be threatened in Chile on account of their race, religion, nationality, membership of a particular social group or political opinion. We therefore conclude that they will not be subject to persecution if deported to Chile. See Matter of Dunar, Interim Decision 2192 (BIA 1973). Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.

FURTHER ORDER: Pursuant to the immigration judge's order, the respondents will be permitted to depart from the United States voluntarily within 30 days from the date of this order or any extension beyond that time as may be granted by the District Director; and that, in the event of failure so to depart, the respondents shall be deported as provided in the immigration judge's order.

Acting Chairman

UNITED STATES DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS
WASHINGTON D.C.

In the Matters of:

HERNAN HERRERA - A19 368 474
ELBA HERRERA - A19 368475

RESPONDENTS' APPEAL MEMORANDUM TO THE BOARD

FACTS: The above Chilean husband and wife are B-2 overstays, having resided in United States since April 1969. They have children attending school in this country. Deportation is conceded. A deportation hearing was held on April 10, 1973 at which time both aliens applied for a 243(h) stay of deportation on the grounds that they would be subject to persecution on account of their political opinions if they were returned to Chile under the regime of Salvador Allende. The hearing was adjourned to permit the Government to investigate the claim of fear of persecution.

A reopened hearing was held on February 5, 1974 and the application referred to above was denied on the grounds that the question at issue was moot because of the overthrow and death of Salvador Allende on September 11, 1973. An immediate appeal was filed and the transcript of the hearing was received in August 1974 while counsel was on vacation. Mrs. Boyd of the Board staff gave the undersigned until September 23, 1974 to file this brief.

DISCUSSION: The issue before the Board is whether the Government of Chile under the junta headed by Augusto Pinochet brings these aliens within the purview of Section 243(h).

On page 14 of the February 5, 1974 hearing, lines 5

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//

through 13 outline the respondents' claim to persecution under the present Chilean regime. Also incorporated by reference is Exhibit D attached hereto which is a copy of male respondent's affidavit dated May 22, 1973 which should be in the Service file available to the Board. Although written in respect to the Allende regime, it substantially applies to the present government. The 1965 amendment deleting the word physical before political persecution certainly implies that political persecution under the statute could be lack of any political freedom at all, with appropriate penalties applicable for violators.

In submitting Exhibits A, B and C, which are newspaper and magazine clippings, reliance is had on certain principles annunciated by case law and administrative policy. Since this (243h) is a discretionary dispensation, the requirements of the Administrative Procedure Act are not applicable. Gordon and Rosenfield, Immigration Law and Practice Vol. 1, Sec. 5.16(b)(3). Strict rules of evidence do not apply (243h cases). Matter of Joseph 13 INS 70.

Particular reference is made to Exhibit A which is a byline article from a current Newsweek Magazine written by James Pringle, highly respected Latin American editor of this magazine, based in Buenos Aires. Underlines supplied. The underlines do call attention to the persecution that pervades Chile for anyone even complaining about the government. The torture techniques described in the article are as reprehensible as any I have come across in recent times.

Exhibit B points out the absence of due process in arrests for political offenses, and Exhibit C contains a quote from

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Senator Edward Kennedy chiding the Nixon administration for not taking a positive stand denouncing the present Chilean government. There is also a clipping quoting Mrs. Allende in reference to the extensive political persecution in Chile since the change in government.

It appears obvious to this writer that because of recent revelations that the United States Government assisted, at least financially, the overthrow of the Allende Government, it is embarrassed to take an immediate, forceful anti-Pinochett stand. Allende was of course a communist government and Pinochett is an anti-communistic dictatorship. However, it is respectfully submitted that the present Chilean junta is as repressive in respect to political freedom as any civilized country today. It is hoped the Board will take notice of this situation as it exists, despite the lack of orthodox proof.

The Board is also asked to take notice that for years a native of communist China or Russia (and certain of her satellites), was given an automatic 243(h) approval - regardless of the alien's personal situation in respect to prior political activities.

The male respondent was a political activist before leaving Chile - an officer and leader of the Christian Democratic Party. There is every reason to believe he would wind up in jail the first time he commented unfavorably about the government, if he were returned to Chile.

James F. Greene, Deputy Commissioner of I & N Service in a May 1974 paper reprinted in Vol. 51 No. 28 of the Interpreter Releases reports there were 109 pre-junta Chileans in the United States as of March 1974 in a political asylum status. Ho

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further states that postjunta Chileans would be considered for asylum on a case by case basis. Several months later, particularly in view of the information on Exhibit A, most Chileans and particularly these respondents should qualify under 243(h).

Additional evidence is necessary in this brief because of the immigration judge's refusal to grant more time to develop the aliens' case under difficult conditions. In a 1956 243(h) case the court found that full opportunity to present additional evidence had been denied when the applicant had been denied a short adjournment to produce additional witnesses. Paschalidis vs. District Director 143 FS 310. In the Joseph case cited above, the Board stated in this type of case that while the immigration judge is authorized to impose reasonable limitations, he must allow the alien wide latitude in presenting his evidence.

Conclusion: For the reasons stated above, these aliens should have their application granted for at least the customary one year period which of course provides for a review of the situation at the end of that time.

Respectfully submitted,

Stewart J. Stowell
Attorney for the respondent

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NEWSWEEK SEPT. 16, 1974

INTERNATIONAL

The Year of the Generals

BY JAMES PRINGLE

It all seemed innocent enough. The two Chilean housewives on the bus in the capital of Santiago were simply grouching about the high price of food at the market that morning. But as they chattered away, a male passenger suddenly stood up and flashed a plainclothes policeman's identity card at them. He ordered the driver to stop the bus, and as the other passengers looked on silently and helplessly, he led the two women away.

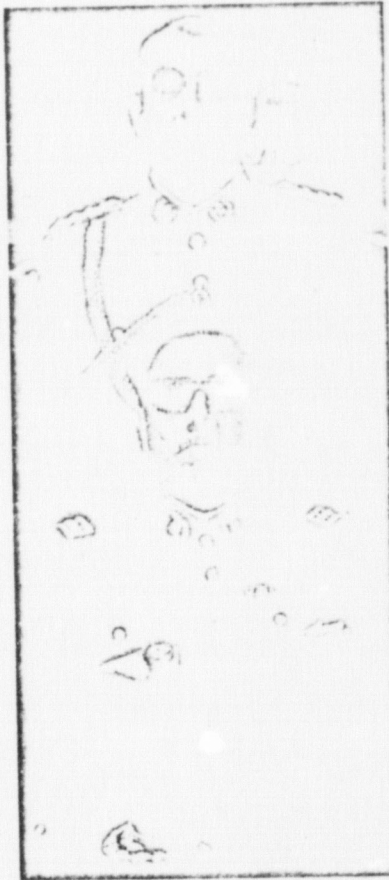
Such is the political climate in Chile today. A year after the coup that toppled President Salvador Allende and the world's first freely elected Marxist government, it is not safe to complain openly about prices—or about anything else for that matter. Using all the tactics of repression, the military government of President Augusto Pinochet Ugarte has taken a secure grip on power in Chile. And Pinochet has made it plain that he is in no hurry to disband his harsh regime and restore democracy in Chile. If the civilian politicians think that the military is going to hand over power to them, a pro-junta Chilean worker told me, "they are imbeciles."

Price: Apologists for the junta point out that it has brought an end to the strikes, demonstrations and illegal seizures of property that characterized the three tumultuous Allende years. And many Chileans who have little use for the generals believe that their coup saved the country from civil war. But the price being paid by Chileans for the military's brand of law and order is a high one. Political parties no longer operate. Congress has been disbanded, and as many as 8,000 political prisoners are locked away, often in remote places. The midnight knock on the door is again a reality, and Chileans report that friends and relatives simply disappear for days or weeks. Most return home after interrogation but others never come back. Just a few weeks ago, two Allende supporters were found dead shortly after their arrests, each with a bullet in his head. And when Joseph Novitski of The Washington Post reported the story, he was temporarily placed under house arrest and threatened with expulsion from Chile.

General Pinochet is regarded by most people as a political pragmatist who favors a restoration of civil liberties at some point. But there are also men in the junta like Air Force Commander Gen. Gustavo Leigh Guzmán, who has close ties with the extreme right-wing Patria y Libertad (Fatherland and Liberty) Party, and these hardliners will tolerate no easing of the retribution against the Allendists.

Torture is still being used to extract confessions from leftist dissidents. "There is no question of it," one Western diplomat said. "Torture has become institutionalized in Chile." And a report issued last week by the Geneva-based Interna-

tional Commission of Jurists strongly supports that view. "A substantial number of those arrested have been subjected to torture," an ICJ mission to Chile said. "Methods employed have included electric shock, blows, beatings, burning with acid or cigarettes, prolonged standing, prolonged hooding and isolation in solitary confinement, extraction of nails,



Pinochet (seated): Firmly in power

crushing of testicles, sexual assaults, immersion in water, hanging, simulated executions, insults, threats and compelling attendance at the torture of others.

In pursuit of their right-wing cultural revolution, the dour military leaders of Chile have pretty well purged the universities of Allendist students and faculty members: 3,000 students at the University of Concepción were expelled after the coup. And the press, which in Allende's time was subjected to strong government pressure but remained relatively outspoken, has been bullied into silence. "Now it is supine, as in a Communist state," a European diplomat told

me. Military censors also keep a close watch over the books, the theater and the movies that Chileans are allowed to see. The American movie "Fiddler on the Roof" was banned by the new Interior Minister, Gen. Cesar Benavides Escobar, on the ground that it showed "clear Marxist tendencies."

In an attempt to undo the economic mischief of Allende's days, the military men are emphasizing private enterprise, the promotion of exports and the encouragement of foreign investment. But so far, they have failed to get Chile's economy straightened out. Almost 12 per cent of the work force is unemployed and 30 per cent of those who are working earn the minimum salary of 40,000 escudos (about \$40) a month. The price of staple foods has tripled in recent months, and the rate of inflation so far this year is 203.7 per cent.

Hunger: In the fetid poblaciones (shantytowns) that ring the cities, conditions have grown desperate. Many población families told me that all they can afford now are beans and bread, and tea without sugar. "Meat is just a beautiful memory," said one slum dweller. The junta sends milk, when possible, to the población schools, and for some children this is their major sustenance. A teacher in one school told me that some of the children eat only once every two days and occasionally they faint from hunger in the classrooms. "People are starving in various parts of this country," said one well-informed foreign diplomat.

"We told the people that clearing up the mess left by the Marxists would result in hardship," explains one government official. "We did not disguise this. The past year has been hard, and the next will be hard, too, though conditions should improve somewhat." Such explanations are all very well, but there is a widespread feeling among poorer Chileans that not every one is making the same kind of sacrifice. "Everyone may be hurting," says one Chilean, "but the upper classes just drink a little less whisky and drive a few less kilometers. The poor have nothing to give up."

There is little overt opposition to the junta except for an occasional REMEMBER ALLENDE OF VENGEANCE WILL COME scrawled on a wall or on the back of a bus seat. But there is no question that the continuing economic hardship has caused the junta, which probably had the backing of a majority of Chileans at the time of the coup, to lose much of its popular support. The best foreign estimates are that no more than 20 per cent of the Chilean people now support the government. The leaders of the Catholic Church have criticized the junta for the climate of hatred that still persists and asked that it put an end to the "state of war" which officially still exists against the left. And when the junta stages a giant rally in Santiago's Plaza Italia this week to mark the first anniversary of its rule, there will be no special masses nor ringing of church bells to celebrate the event.

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EXHIBIT A

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Churchmen Act to Free Chile Detainees

By JONATHAN KANDELL

Special to The New York Times

SANTIAGO, Chile, March 30 — In their first public act of concern for political prisoners, Chile's major religious leaders have filed a habeas-corpus motion in a court of appeals here for 131 people who were arrested and disappeared in the months following the military coup last September.

The motion, filed late yesterday afternoon, requests that the court ask the military authorities about the fate of the detained individuals, where they are being held, and for what reasons. If the individuals are being detained without legal reasons, the motion asks their immediate release.

The appeal to the court—signed by Msgr. Fernando Ariza Ruiz, Auxiliary Bishop of the Roman Catholic Archdiocese of Santiago, the Rev. Helmut Frenz, Lutheran Bishop of Chile and leader of the country's Protestant church groups, and Angel Kreiman, High Rabbi of Chile, characterizes the detainees as people of little or no political importance and mainly of humble economic means.

The Quests That Failed

The appeal details the circumstances of the arrests and the futility of the efforts of relatives to find out where the detainees were taken or even whether they were alive. All 131 are people in the Santiago area. More than a third of the cases involve individuals detained after January 1, almost four months after the legally elected Marxist coalition Government was overthrown.

More than 2,500 people died in that period, most of them by summary execution. According to church sources seeking legal aid for the detainees, the number of political prisoners reached more than 10,000, but has fallen in recent weeks to about 6,000. Most of these detainees are being held in jails, military garrisons and prison camps throughout the country and no formal charges have been made against them.

The Catholic Church has

until now remained silent about the ruling military junta's treatment of followers of the late President Salvador Allende Gossens. But Cardinal Raúl Silva Henríquez and several other prominent clergymen have at the same time been criticized by some anti-Marxists for not openly supporting the junta and denouncing leftists.

'Anguish of So Many'

Those who signed the court motion are members of the Committee of Cooperation for Peace in Chile, a group that legally assists detainees and workers dismissed for political or economic reasons. The committee, representing the main churches of Chile, gave material assistance to destitute families in the months after the coup.

The religious leaders who signed the appeal said that they had been "moved as pastors by the pain and anguish of so many people, who in their vast majority are innocent, poor, and humble, lacking any social status, without well-known names and without important influence."

Normally, the court would be required to rule on a habeas corpus motion within 24 hours,

but under the state of siege that has existed since the coup, the courts have tended to move more slowly. Among the 131 cases described in the motion were the following:

SERGIO EDUARDO CAVIERES CIENFUEGOS, an employee of the University of Chile arrested in a campus office Jan. 7 by three military intelligence officials. His girlfriend has looked for him in detention centers. The inquiries reached Gen. Sergio Arellano, chief of the Santiago military garrison, who said that Mr. Cavieres had been interrogated and then freed on Jan. 11. But he has not appeared.

JORGE GERMAN FREDES GARCIA, a 30-year-old farmer arrested on Oct. 16 by soldiers. His wife has sought him in detention centers and made fruitless inquiries of police and military officials.

AMAPOLA LIZETTE RUIZ LIDID, a 29-year-old mother of two young children. She was arrested on March 17 by five soldiers who were searching her home. Two days later, her sister was told by military officers that she had been "transferred for interrogation." The sister has tried in vain to locate her.

El Diario La Prensa
Lun. 4 de febrero de 1974

4 de FEBRUARY - 1974

Kennedy Acusa a Nixon Descuidarse en el Caso Chileno

WASHINGTON, (AP). — El meses de la caída del presidente senador Edward M. Kennedy Salvador Allende, la junta de Chile "continúa aparentemente en su crasa violación de los derechos humanos".

El legislador, que preside la comisión senatorial sobre refugiados, dijo que los informes recibidos "indican la continua represión, nuevas olas de arrestos, la tortura en las prisiones, y las ejecuciones a un ritmo alarmante".

En una declaración, que acompañó a la restitución del orden constitucional allí, Kennedy dijo que a los cuatro para con la que calificó como la "antitépica" que la respuesta "está ha dado a la secretaria de estado sobre la situación chilena, el líder demócrata pide a Nixon un cambio en la política hacia el régimen de Pinochet."

"Al aprobarse la ley de asistencia externa hace pocas semanas el congreso expresó la preocupación de la mayoría de los representantes de que se deben hacer todos los esfuerzos para alentar a la junta a respetar los derechos humanos", dijo Kennedy. "El presidente promulgó la ley, pero son pocas las evidencias que tenemos de que se haya hecho realmente algo".

Kennedy dijo que por el contrario "esta administración, en su creciente apoyo a la junta, se ha desentendido de la continua violación de los derechos humanos calificándolos como un asunto interno de Chile, no obstante la presencia en la escena de la Cruz Roja, del alto comisionado de las Naciones Unidas para refugiados, y los llamamientos de muchas organizaciones humanitarias que tratan de movilizar el apoyo notadamente a los esfuerzos por lograr la completa cooperación de la junta en la liberación y el trato humano a los prisioneros, en la suspensión de las ejecuciones, en el otorgamiento de salvoconductos a todos los refugiados, y en la derogación general de las medidas de represión y la censura de prensa en todo el país".

Kennedy Accuses Nixon of Neglect in the Case of Chile

Senator Edward M. Kennedy yesterday accused President Nixon's administration of "serious neglect of its international obligations in offering increased support to the Chilean Junta".

The democratic leader urged that any help to Chile be conditioned on the steps the regime of President August Pinochet is taking to reinstall constitutional order there.

Kennedy said that in the forth month since the fall of President Salvador Allende, the Junta "continues apparently in its gross violation of human rights."

The legislator, who presides over the senatorial commission on refugees, said the reports received "indicate continued repression, new waves of arrests, torture in the prisons and executions at an alarming rate".

In a declaration which accompanied what can be called "the antiseptic" reply which the Secretary of State has given to his questions about the Chilean situation, the democratic leader asks Nixon for a change in policy towards the regime of Pinochet.

"On approving the foreign aid law a few weeks ago, congress expressed the position of the majority of North Americans that all efforts be made to encourage the Junta to respect human rights", said Kennedy. "The president promulgated the law, but there are few evidences that something has really be done."

Kennedy said that on the contrary, "this administration in its increasing support of the Junta has ignored the continued violation of human rights, regarding them as internal Chilean matters, in spite of the presence on the scene of the Red Cross, of the high commission of the United Nations for Refugees, and the calls from many humanitarian organizations which are trying to mobilize the North American support to efforts to achieve complete cooperation of the Junta in the liberation and human treatment of prisoners, in the suspension of executions, in the awarding of safeconduct to all refugees, and the general abolishment of repressive measures and censorship of the press in all the country.

Mrs. Allende Asks End To Repression in Chile

UNITED NATIONS (UPI) — Mrs. Salvador Allende, widow of the slain Chilean president, said Monday that between 15,000 and 20,000 persons have died under Chile's military junta. She asked the U.N. Human Rights Commission to demand an end to what she called genocidal repression in her country.

Mrs. Allende appeared before the 32-member commission under sponsorship of the leftist Women's International Democratic Federation. She took the floor when delegates of the Soviet Union, East Germany, Yugoslavia, Czechoslovakia, Poland and Byelorussia yielded

to their places on the speakers' list to her.

EXHIBIT C

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